

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

JOHNLIE RUSSELL WILLIAMS, III )  
Plaintiff, )  
v. ) CASE NO. C10-0084-JLR-MAT  
OFFICER DUFFY, *et al.*, )  
Defendants. ) ORDER DENYING PLAINTIFF'S  
 ) MOTION FOR APPOINTMENT OF  
 ) COUNSEL AND GRANTING  
 ) PLAINTIFF'S MOTION TO AMEND  
)

This matter comes before the Court on plaintiff's motions for appointment of counsel, for leave to amend his complaint, and for an extension of time to file a reply brief in support of his motion for appointment of counsel. The Court, having reviewed plaintiff's motions, and the balance of the record, does hereby find and ORDER as follows:

(1) Plaintiff's motion for an extension of time to file a reply brief in support of his motion for appointment of counsel (Dkt. No. 27) is DENIED.

(2) Plaintiff's motion for appointment of counsel (Dkt. No. 19) is DENIED. There is no right to have counsel appointed in cases brought under 42 U.S.C. § 1983. Although the

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01 Court, under 28 U.S.C. § 1915(e)(1), can request counsel to represent a party proceeding *in*  
02 *forma pauperis*, the Court may do so only in exceptional circumstances. *Wilborn v.*  
03 *Escalderon*, 789 F.2d 1328, 1331 (9th Cir. 1986); *Franklin v. Murphy*, 745 F.2d 1221, 1236  
04 (9th Cir. 1984); *Aldabe v. Aldabe*, 616 F.2d 1089 (9th Cir. 1980). A finding of exceptional  
05 circumstances requires an evaluation of both the likelihood of success on the merits and the  
06 ability of the plaintiff to articulate his claims pro se in light of the complexity of the legal issues  
07 involved. *Wilborn*, 789 F.2d at 1331.

08 Plaintiff has neither demonstrated a likelihood of success on the merits nor shown that,  
09 in light of the complexity of the legal issues involved, he is unable to articulate his claims pro se.  
10 Thus, plaintiff has not demonstrated that this case involves exceptional circumstances which  
11 warrant appointment of counsel at the present time.

12 (3) Plaintiff's motion to amend his complaint (Dkt. No. 21) is GRANTED.  
13 Plaintiff moves to amend his complaint in order to correct a typographical error contained in his  
14 first amended complaint. Defendants, in their response to plaintiff's motion, indicate that they  
15 do not oppose the proposed amendment. Accordingly, the Clerk is directed to post the  
16 proposed amended complaint attached to plaintiff's motion to amend as plaintiff's second  
17 amended complaint.

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(4) The Clerk shall direct copies of this Order to plaintiff, to counsel for defendants, and to the Honorable James L. Robart.

DATED this 17th day of September, 2010.

Mary Alice Theiler  
Mary Alice Theiler  
United States Magistrate Judge

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